

ENTERED

September 29, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FIMBANK PLC,	§
	§
Plaintiff,	§
VS.	§ CIVIL ACTION NO. 2:19-CV-264
	§
DISCOVERY INVESTMENT CORP., <i>et</i>	§
<i>al,</i>	§
	§
Defendants.	§

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is the motion to withdraw of counsel for Defendant SPV SAM Eagle Inc. (“SAM Eagle”) and SAM Eagle’s incorporated motion to voluntarily dismiss its counterclaim against Plaintiff FIMBANK PLC. D.E. 161. On August 31, 2020, United States Magistrate Judge Julie K. Hampton issued a Memorandum and Recommendation (D.E. 175), recommending that the motion be granted in part, that counsel be permitted to withdraw, and that SAM Eagle’s counterclaim against FIMBANK PLC be dismissed with prejudice. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and

recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 175), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the motion (D.E. 161) is **GRANTED IN PART** and the attorneys, Thomas R. Nork, Christopher R. Hart, Michael J. Wray, and their law firm Holman Fenwick Willan USA LLC, are hereby withdrawn from representation of SAM Eagle Inc. in this case. The motion is **GRANTED IN PART** and SAM Eagle Inc.'s counterclaim against FIMBANK PLC is **DISMISSED WITH PREJUDICE**. The motion is **DENIED IN PART** insofar as SAM Eagle Inc. sought dismissal of its counterclaim without prejudice.

ORDERED this 29th day of September, 2020.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE